



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

SEP 23 2019

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Via E-Mail Only (78711-46161219@requests.muckrock.com)

Taylor Wynia  
c/o MuckRock News

Re: Freedom of Information Act (FOIA), FOIA No. 19-02001-F  
Chemeketa Community College, Salem, Oregon

Dear Ms. Wynia:

This responds to your August 7, 2019, FOIA request to the Washington, D.C. office in the U.S. Department of Education (Department) which was transferred to the Seattle Office of the Office for Civil Rights (OCR) for response. In your request you listed 10 questions about a Title IX complaint filed against Chemeketa Community College. Your request is being processed under the Freedom of Information Act (5 U.S.C. § 552).

On August 8, 2019, the Seattle OCR office sent you an e-mail acknowledging receipt of your request and informing you that it was necessary to speak with you prior to processing your FOIA request; however, you did not provide a telephone number in your request. The e-mail informed you that your request could not be completed as written. Also, in that August 8, 2019, e-mail OCR Seattle provided you links or URLs to the resolution letter and agreement for the most recent Title IX complaint against Chemeketa Community College (OCR No. 10182013).

To date, OCR has not received a response from you. When determining the scope of a FOIA request, courts have generally held that agencies are not required to answer questions posed as FOIA requests (Semansky v. EPA, 767 4.2d 569, 574 (9<sup>th</sup> Cir. 1985)), nor are they required to respond to requests by creating records (LaRoche v. SEC, 289 F. App'x 231, 231 (9<sup>th</sup> Cir. 2008)). Accordingly, your request will be processed no further as it is not a proper FOIA request as currently worded.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation.

They can be contacted by:

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

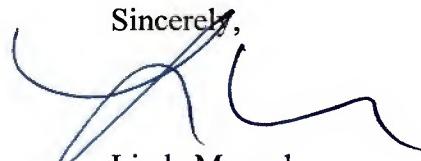
Mail	FOIA Public Liaison Office of the Chief Privacy Officer U.S. Department of Education 400 Maryland Ave., SW, LBJ 2E321 Washington, DC 20202-4536	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road College Park, MD 20740-6001
E-mail	<a href="mailto:robert.wehausen@ed.gov">robert.wehausen@ed.gov</a>	<a href="mailto:OGIS@nara.gov">OGIS@nara.gov</a>
Phone	202-205-0733	202-741-5770; toll free at 1-877-684-6448
Fax	202-401-0920	202-741-5769

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal; it should be accompanied by a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal. Appeals may be submitted using the on-line form available at [www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf](http://www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf).

Appeals can also be submitted by:

E-mail: [EDFOIAappeals@ed.gov](mailto:EDFOIAappeals@ed.gov)  
Fax: 202-401-0920  
Mail: FOIA Appeals Office  
Office of the Executive Secretariat  
U.S. Department of Education  
400 Maryland Avenue, SW, LBJ 7W106A  
Washington, DC 20202-4536

This completes OCR's processing of your FOIA request. If you have any questions regarding this response, please contact Tania Lopez, FOIA Attorney, at (206) 607-1623 or at [tania.lopez@ed.gov](mailto:tania.lopez@ed.gov).

Sincerely,  
  
Linda Mangel  
Regional FOIA Officer  
Seattle Office